UNITED STATES PATENT AND TRADEMARK OFFICE

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10/558,152	11/23/2005	Masafumi Hirata	0033-1042PUS1	1878

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EXAMINER
SCOTT, RANDY A

ART UNIT	PAPER NUMBER
2453	

NOTIFICATION DATE	DELIVERY MODE
11/24/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
	10/558,152	HIRATA ET AL.
Office Action Summary	**Examiner**	**Art Unit**	
	RANDY SCOTT	2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 July 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17,33 and 34</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17,33 and 34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>8/5/09</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to the application filed 7/14/2009

CLAIM STATUS

2.   Claims 1-17, 33, and 34 are now pending. Non-elected claims 18-32 have been canceled

without prejudice or disclaimer. Independent claim 1 and dependent claims 2, 3, 8, and 9 have

been amended and claims 33-34 have been added.

Claim Rejections – 35 USC 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office Action:

(b) the invention was patented or described in a printed publication in this or a

foreign country or in public use or on sale in this country, more than one year prior

to the date of application for patent in the United States.

4.   Claims 1-4, 7-8, and 13-15 are rejected under 35 USC 102(b) as being anticipated by

Hayton et al (US 2002/0120679).

        Regarding claim 1, Hayton et al discloses:

        An application managing unit that analyzes application data to determine a connector that

specifies information indicating a function required for executing said application (see sec

[0050], lines 13-17, which discloses that the computing device will execute a connector that

corresponds to the application chosen for execution by a user);

a connector obtaining unit responsive to the application management unit determination of the connector so as to obtain the connector (see sec [0017], lines 3-7); and

a function utilizing unit accessing a location (see sec [0080], lines 1-3, which teaches accessing the page interface) of said function based on access information relating to the location described in information contained by said connector (see fig. 3), and utilizing said function specified by said connector (see sec [0110], lines 11-14).

Regarding claim 2, Hayton et al discloses:

Wherein said access information relating to the location described in said connector is a URI (Uniform Resource Identifier) for accessing said location (see sec [0011], lines 3-7, which discusses the property identifiers located within the applications).

Regarding claim 3, Hayton et al discloses:

Wherein said function utilizing unit obtains result from said function by passing at least part of the information defined by said connector to said function specified by said connector (see sec [0017], lines 4-7, which teaches using the connector module to identify associations between the user interface and property path).

Regarding claim 4, Hayton et al discloses:

Wherein said connector includes data conversion information (see sec [0091], lines 16-18), and said function utilizing unit converts data obtained from said application based on said data conversion information (see sec [0111], lines 6-9), and passes the converted data to said function (see sec [0112], lines 1-3).

Regarding claim 7, Hayton et al discloses:

A first connector determining unit comparing identification information unique to said application with identification information unique to said connector when executing said application (see sec [0160], lines 9-12), and determining whether said function can be utilized using said connector or not (see sec [0053], lines 10-14).

Regarding claim 8, Hayton et al discloses:

Wherein said application includes unique information customized according to the service utilization terminal (see sec [0049], lines 11-14, "custom UI"), said connector includes unique information customized according to the service utilization terminal (see sec [0050], lines 1-3, "connector API"), and said first connector determining unit compares identification information unique to said customized application with identification information unique to said connector (see sec [0050], lines 2-5), and determines whether said function can be determined or not, using said connector when service utilization terminal executes said application (see sec [0050], lines 15-18).

Regarding claim 13, Hayton et al discloses:

The terminal wherein a description of said application includes a connector condition provided with an obtaining destination for obtaining said connector and at least one of information unique to said connector and information relating to said function specified by said connector (see sec [0051], lines 1-4), and said connector obtaining unit obtains a connector satisfying said connector condition from said obtaining destination (see sec [0110], lines 7-10, which teaches a path manager allowing a property connector to maintain connection between elements).

Regarding claim 14, Hayton et al discloses:

The terminal wherein said connector obtaining unit includes a connector selecting unit selecting a predetermined connector from a plurality of different connectors as a connector to be obtained by said connector obtaining unit when executing said application (see sec [0050], lines 15-18), and said function utilizing unit utilizes a function specified by said selected predetermined connector among a plurality of different functions specified by said plurality of different connectors (see sec [0084], lines 2-4).

Regarding claim 15, Hayton et al discloses:

An application obtaining unit obtaining said application (see sec [0109], lines 1-3, "application componenet").

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

> (e) the invention was described in (1) an application for patent, published
> under section 122(b), by another filed in the United States before the
> invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the
> effects for purposes of this subsection of an application filed in the
> United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English
> language.

6.   Claims 33-34 are rejected under 35 USC 102(e) as being anticipated by Reynolds et al (US 6,925,052).

Regarding claim 33, Reynolds et al discloses:

An application managing unit that analyzes application data to determine a required connector that includes information needed to identify a required function needed to execute said application (see col. 4, lines 40-44);

a connector managing unit responsive to the application management unit determination of the required connector so as to obtain the required connector and to analyze it to determine the required function and location of the required function (see col. 5, lines 55-58);

an external function management unit responsive to the location of the required function being determined by the connector management unit to be an external location to the service utilization terminal to provide the required function from the external location so that the required function from the external location can be utilized (see col. 7, lines 47-51); and

an internal function management unit responsive to the location of the required function being determined by the connector management unit to be an internal location in the service utilization terminal to provide the required function from the internal location so that the required function provided from the internal location can be utilized (see col. 25, lines 30-34).

Regarding claim 34, Reynolds et al discloses:

Wherein said connector management unit obtains the required connector from a holding location in a different device by accessing said holding location in said different device (see col. 4, lines 3-9, which discloses that the location for interface modules for the external connectors), and said service utilization terminal further comprises a connector storing unit storing said required connector obtained from the holding location in said different device (see col. 24, lines 40-42).

Claim Rejections – 35 USC 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office Action:

> (a) A patent may not be obtained through the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

8.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al (US

2002/0120679), in view of Braithwaite et al (US 2004/0193893).

        With respect to claim 5, Hayton et al teaches the limitations previously discussed.

        Hayton et al fails to teach wherein said function utilizing unit converts a result obtained

from said function based on said data conversion information, and passes the converted result to

said application.

        However Braithwaite el al discloses the general concepts of wherein said function

utilizing unit converts a result obtained from said function based on said data conversion

information (see sec [0050], lines 7-11, which teaches converting the result retrieved from the

transformation function), and passes the converted result to said application (see sec [0050], lines

8-13, which teaches converting the result to application B).

        It would have been obvious to one of ordinary skill in the art to combine Hayton et al

with the general concept of wherein said function utilizing unit converts a result obtained from

said function based on said data conversion information, and passes the converted result to said

application with the motivation of Braithwaite et al also providing application data for wireless

devices (as shown in sec [0024], lines 10-14), as illustrated by Braithwaite et al, in order to successfully provide application functions to users.

9.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al (US 2002/0120679), in view of Braithwaite et al (US 2004/0193893), further in view of Chang et al (US 2002/0062397).

With respect to claim 6, Hayton et al teaches the limitations previously discussed.

Hayton et al teaches all the limitations of claim 6, except for wherein said function utilizing unit converts a result obtained from said function based on said data conversion information, and passes the converted result to said application.

The general concepts of wherein said function utilizing unit converts a result obtained from said function based on said data conversion information (see sec [0050], lines 7-11, which teaches converting the result retrieved from the transformation function), and passes the converted result to said application (see sec [0050], lines 8-13, which teaches converting the result to application B) are well known in the art as illustrated by Braithwaite el al.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al with the general concept of wherein said function utilizing unit converts a result obtained from said function based on said data conversion information, and passes the converted result to said application, as illustrated by Braithwaite et al, in order to successfully provide application functions to users.

Hayton et al, in combination with Braithwaite et al, teaches all the limitations of claim 6,

except for wherein said application is an application outputting the result obtained from said

function, converted by said function utilizing unit and passed from said function utilizing unit.

The general concepts of wherein said application is an application outputting the result

obtained from said function (see sec [0240], lines 5-8, which teaches that the converted result is

output), converted by said function utilizing unit and passed from said function utilizing unit (see

sec [0240], lines 5-15, which teaches that the results are converted by helper applications and

transmitted from a server application) are well known in the art as illustrated by Chang el al.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al and

Braithwaite et al with the general concept of wherein said application is an application outputting

the result obtained from said function, converted by said function utilizing unit and passed from

said function utilizing unit, as illustrated by Chang et al, in order to efficiently transmit

application data.

10.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al (US

2002/0120679), in view of Ney et al (US 4,653,838).

With respect to claim 9, Hayton et al teaches teaches the limitations previously discussed.

Hayton et al teaches all the limitations of claim 9, except for wherein said service

utilization terminal further comprises a connector storing unit storing said obtained connector.

The general concept of wherein said service utilization terminal further comprises a

connector storing unit storing said obtained connector (see col. 6, lines 64-68, which teaches the

terminal comprising a connector storage mechanism) is well known in the art as illustrated by

Ney el al.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al

with the general concept of wherein said service utilization terminal further comprises a

connector storing unit storing said obtained connector, as illustrated by Ney et al, in order to

efficiently provide a connector storage mechanism.

11.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al (US

2002/0120679), in view of Jarvensivu (US 2002/0188736).

With respect to claim 10, Hayton et al teaches teaches the limitations previously

discussed.

Hayton et al teaches all the limitations of claim 10, except for wherein said application

includes validity information including at least one of information relating to a valid period of

said application and a number of allowed operations of utilizing said application, and said

service utilization terminal further comprises an application determining unit referring to said

validity information and determining whether said application can be executed or not.

The general concept of wherein said application includes validity information including

at least one of information relating to a valid period of said application and a number of allowed

operations of utilizing said application (see sec [0039], lines 2-8, which teaches accessing

applications is based upon a predetermined period of time and access to certain applications is

provided), and said service utilization terminal further comprises an application determining unit

referring to said validity information and determining whether said application can be executed

or not (see sec [0044], lines 2-6, which teaches that application execution is permitted based on payment and a determination at the decision block) is well known in the art as illustrated by Jarvensivu.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al with the general concept of wherein said application includes validity information including at least one of information relating to a valid period of said application and a number of allowed operations of utilizing said application, and said service utilization terminal further comprises an application determining unit referring to said validity information and determining whether said application can be executed or not, as illustrated by Jarvensivu, in order to efficiently implement a application access system based on authorization.

12.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al (US 2002/0120679), in view of Jarvensivu (US 2002/0188736), further in view of Tanaka (US 5,845,069).

With respect to claim 11, Hayton et al teaches teaches the limitations previously discussed.

Hayton et al teaches all the limitations of claim 11, except for wherein said application includes validity information including at least one of information relating to a valid period of said application and a number of allowed operations of utilizing said application, and said service utilization terminal further comprises an application determining unit referring to said validity information and determining whether said application can be executed or not.

The general concept of wherein said application includes validity information including

at least one of information relating to a valid period of said application and a number of allowed

operations of utilizing said application (see sec [0039], lines 2-8, which teaches accessing

applications is based upon a predetermined period of time and access to certain applications is

provided), and said service utilization terminal further comprises an application determining unit

referring to said validity information and determining whether said application can be executed

or not (see sec [0044], lines 2-6, which teaches that application execution is permitted based on

payment and a determination at the decision block) is well known in the art as illustrated by

Jarvensivu.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al

with the general concept of wherein said application includes validity information including at

least one of information relating to a valid period of said application and a number of allowed

operations of utilizing said application, and said service utilization terminal further comprises an

application determining unit referring to said validity information and determining whether said

application can be executed or not, as illustrated by Jarvensivu, in order to efficiently implement

a application access system based on authorization.

Hayton et al, in combination with Jarvensivu, teaches all the limitations of claim 11,

except for a second connector determining unit referring to said validity information when

executing said application, and determining whether said function can be specified or not, using

said connector.

The general concept of a second connector determining unit referring to said validity

information when executing said application, and determining whether said function can be

specified or not, using said connector (see col. 23, lines 28-35, which teaches a second judging unit for determining if a command can be carried out) is well known in the art as illustrated by Tanaka.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al and Jarvensivu with the general concept of a second connector determining unit referring to said validity information when executing said application, and determining whether said function can be specified or not, using said connector, as illustrated by Tanaka, in order to efficiently implement a data accessing mechanism using connectors to fetch application information.

13.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al (US 2002/0120679), in view of Jarvensivu (US 2002/0188736), further in view of Tanaka (US 5,845,069).

With respect to claim 12, Hayton et al teaches teaches the limitations previously discussed.

Hayton et al teaches all the limitations of claim 12, except for wherein said application includes validity information including at least one of information relating to a valid period of said application and a number of allowed operations of utilizing said application, and said service utilization terminal further comprises an application determining unit referring to said validity information and determining whether said application can be executed or not.

The general concept of wherein said application includes validity information including at least one of information relating to a valid period of said application and a number of allowed operations of utilizing said application (see sec [0039], lines 2-8, which teaches accessing

applications is based upon a predetermined period of time and access to certain applications is

provided), and said service utilization terminal further comprises an application determining unit

referring to said validity information and determining whether said application can be executed

or not (see sec [0044], lines 2-6, which teaches that application execution is permitted based on

payment and a determination at the decision block) is well known in the art as illustrated by

Jarvensivu.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al

with the general concept of wherein said application includes validity information including at

least one of information relating to a valid period of said application and a number of allowed

operations of utilizing said application, and said service utilization terminal further comprises an

application determining unit referring to said validity information and determining whether said

application can be executed or not, as illustrated by Jarvensivu, in order to efficiently implement

a application access system based on authorization.

Hayton et al, in combination with Jarvensivu, teaches all the limitations of claim 12,

except for wherein said connector obtaining unit obtains a new connector when said second

connector determining unit determines that it is impossible to specify said function, using said

connector.

The general concept of wherein said connector obtaining unit obtains a new connector

when said second connector determining unit determines that it is impossible to specify said

function, using said connector (see col. 27, lines 37-41, which teaches that it is impossible for an

unrightfully selected application to be selected) is well known in the art as illustrated by Tanaka.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al and Jarvensivu with the general concept of wherein said connector obtaining unit obtains a new connector when said second connector determining unit determines that it is impossible to specify said function, using said connector, as illustrated by Tanaka, in order to efficiently implement a data accessing mechanism using connectors to fetch application information.

14.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al (US 2002/0120679) in view of Thompson (US 5,465,401).

With respect to claim 16, Hayton et al teaches teaches the limitations previously discussed.

Hayton et al teaches all the limitations of claim 16, except for the service utilization terminal being a mobile phone.

The general concept of the service utilization terminal being a mobile phone (see col. 5, lines 20-24, "mobile communication device" and col. 9, lines 20-25, "application connector") is well known in the art as illustrated by Thompson.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al with the general concept of the service utilization terminal being a mobile phone, as illustrated by Thompson, in order to sufficiently maintain a communication system.

15.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al (US 2002/0120679) in view of Thompson (US 5,465,401).

With respect to claim 17, Hayton et al teaches teaches the limitations previously discussed.

Hayton et al teaches all the limitations of claim 17, except for the service utilization terminal being a TV.

The general concept of the service utilization terminal being a TV (see col. 15, lines 23-25, "television") is well known in the art as illustrated by Thompson.

It would have been obvious to one of ordinary skill in the art to combine Hayton et al with the general concept of the service utilization terminal being a TV, as illustrated by Thompson, in order to sufficiently maintain a communication system.

16   *Response to Arguments*

17   Applicant's arguments filed on 7/14/09 have been fully considered but are moot in view of new grounds of rejection.

A.   In response to the applicant's argument that an improper express rejection was provided

for claims 7-8 and 13-15 have been applied based on Sapuram et al because the applicant did not list the claim numbers in the rejection header:

In the first office action submitted, several references were provided that established the fact that claims 7-8 and 13-15 were rejected. The index of claims and office action summary

both state that each claim was rejected. Also the original office action states "Regarding claim

'(7) (8) (13) (14) & (15)', Sapuram et al discloses" for each 102 rejection that was given.

B.   In response to the applicants allegations that Sapuram et al does not include each and

every element of the amended independent claim 1, including: application analysis or a

connector that specifies information indicating a function required for executing said application:

        Prior art reference, Hayton et al (US 2002/0120679), has been provided in light of the

newly amended claim language that has been set forth.

Conclusion

        THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        Examiner has cited particular columns and line numbers in the references applied to the

claims above for the convenience of the applicant. Although the specified citations are

representative of the teachings of the art and are applied to specific limitations within the

individual claim, other passages and figures may apply as well. It is respectfully requested from

the applicant in preparing responses, to fully consider the references in entirety as potentially

teaching all or part of the claimed invention, as well as the context of the passage as taught by

the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the

portion(s) of the specification which dictate(s) the structure relied on for proper interpretation

and also to verify and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Randy A. Scott whose telephone number is (571) 272-3797. The

examiner can normally be reached on Monday-Thursday 7:30 am-5:00 pm, second Fridays 7:30

am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on (571) 272-6996. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RANDY A. SCOTT/

Examiner, Art Unit 2453

20091030

/Liangche A. Wang/
Primary Examiner, Art Unit 2453